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FM AMEMBASSY PORT LOUIS  
TO RUEHC/SECSTATE WASHDC PRIORITY 4528  
INFO RUEHZO/AFRICAN UNION COLLECTIVE  
RUEHAN/AMEMBASSY ANTANANARIVO 0813  
RUEHNR/AMEMBASSY NAIROBI 3030  
RHMFISS/HQ USAFRICOM STUTTGART GE  
RUEKJCS/SECDEF WASHINGTON DC

C O N F I D E N T I A L PORT LOUIS 000132

SIPDIS

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E.O. 12958: DECL: 04/29/2019  
TAGS: [MARR](#) [PREL](#) [MASS](#) [MOPPS](#) [SE](#)  
SUBJECT: SEYCHELLES ARRESTS NINE SUSPECTED PIRATES, BUT  
DOESN'T KNOW WHAT TO DO WITH THEM

Classified By: Charge d'Affaires, Virginia M. Blaser, Reasons 1.4 (b and d)

1. (C) Summary. As reported in the press, the Seychelles Coast Guard recently brought into the country for prosecution nine suspected pirates captured by a Spanish warship in Seychelles waters. The suspects are thought to have attacked an Italian cruise ship, the MSC Melody, before the Melody repulsed the attack using guns and a firehose. With the nine now in custody in Seychelles, the Government of Seychelles is concerned that they may not have the legal framework in place to try the suspects. A British delegation is scheduled to travel to Seychelles next week to assist the GOS by providing legal technical assistance. Failure to successfully prosecute would hurt the government. End Summary.

2. (U) On April 27, a Spanish warship chased two skiffs and captured nine suspected pirates after the pirates allegedly attacked an Italian Cruise ship some 200 miles off the coast of the Seychelles. The Spanish turned over the suspects to the Seychelles Coast Guard, who brought the pirates to land for trial. According to press reports, the Government of Seychelles is considering "pressing charges locally" although noting the charges may depend upon the attorney general's office and the "evidence the police put forward."

3. (C) On 30 April, CDA spoke with Jean-Paul Adams, Chief of Staff to the President of the Seychelles, who reported that the GOS is concerned that the Seychelles may not have the legal framework to try the suspects. There is a possibility, he said, that a law on hijacking may be used for charging the suspected pirates. Even if, however, the GOS determines the hijacking law would allow for the trial and convictions of the suspected pirates, Adams remained worried that the GOS might not be able to provide enough evidence to meet the burden of proof standard. When CDA asked for an example, Adams noted that while the GOS did have witnesses to testify to maintenance of aerial observation of the pirate ship from the time of the attack until the time of the arrest, the fact that they can establish they had "pretty much" continuous aerial surveillance might not be enough.

4. (C) In a separate conversation between the Acting British High Commissioner, Ewan Ormistan, and the CDA on 29 April, the A/BHC reported that a team of British experts was traveling to Seychelles on 4 May to provide technical legal assistance on piracy issues. The Delegation is thought to include UK naval officers and lawyers who could assist the GOS with interpretation of the laws in place which would allow for the arrest and conviction of the pirates.

5. (C) Comment: Embassy open source searches found only one

piracy-related law on the books for the Seychelles; specifically, in September 1991, the Seychelles ratified the UN Convention on the Laws of the Seas. The pressure on the GOS to deliver some action on piracy -- which greatly impacts the two main industries in Seychelles of fishing and tourism -- is mounting daily. This bankrupt country can ill afford more loss to its two main industries, which may have been a contributing factor to the Coast Guard accepting pirates before clearing whether the Government had capacity (legal or physical) to try them. It appears the GOS is now looking for quick solutions to the gap in its legal infrastructure, but it remains uncertain whether the GOS will be able to successfully try these nine suspected Somali pirates. Failure to do so, and worse yet, possibly letting the pirates go because of the lack of legal framework, would be a very significant blow to the government. End comment.  
BLASER